22

HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal No.766 of 2005

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellants Claimants
: 1. Mangali Bai, aged 28 years, D/o Late Punau @ Punavmali (Marar)
: 2. Ishwar, aged about 15 years, S/o Late Punau @ Punavmali (Marar)
: 3. Dukalu, aged about 13 years, S/o Late Punau @ Punavmali (Marar)
: 4. Karma, aged 60 years, S/o Hiraram Mali (Marar)
: 5. Kartikmati, aged 58 years, W/o Karma.

No.2 & 3 are minors, Through: Natural Guardian Mother-Mangali Bai.

All R/o Village Pachpedi, P.S. Sarseeva, Tah. Bilaigarh, Dist. Raipur (C.G.)

Versus

Respondents
DRIVER
: 1. Satpal, R/o Ramkrishan Jat, R/o Jasiya, P.S. Jasiya, Dist. Rohtak (Hariyana)
OWNER
: 2. Rambhagat, S/o Sanvaliya, R/o Bhawala House No.1050, Dist. Jhajar (Hariyana)
INSURER
: 3. United India Inurance Co. Ltd., District Rohtak, Hariyana

Shri Goutam Khetrapal, Counsel for the appellants.

Shri Rajendra Tripathi, Advocate assisting Shri Prashant Mishra, Sr. Counsel for respondent No.3

ORAL ORDER

(Passed on 16th January 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

-2-

1. In this appeal preferred by the dependents of the deceased seeking more compensation, the only contention urged by the learned counsel for the appellants is that the Motor Accidents Claims Tribunal (M.A.C.T.) is not justified in not awarding any compensation towards loss of estate and that what is awarded towards loss of consortium is on lower side. No other point was urged. As we repeatedly held and reiterated, the M.A.C.T. is required to award reasonable compensation under conventional heads, which compensation should reflect time and place and current money value and such compensation cannot be static for all time. In that view of the matter, we award a sum of Rs.25,000/- towards loss of consortium and another sum of Rs.25,000/- towards loss of estate.

2. The impugned award shall stand modified accordingly. In all other respects, the impugned award shall stand unaltered. The M.A.No.766 of 2005 is disposed of in the above terms. No costs.

Sd/-
Chief Justice

Sd/-
DILIP RAOSAHEB DESHMUKH
Judge